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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,299	11/14/2003	Yehuda Eder	03103	8856

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EXAMINER

NGUYEN, LEE

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/712,299	EDER, YEHUDA	
	Examiner	Art Unit	
	LEE NGUYEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 1, 11 provides for the use of selected frequency, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Dependent claims 2-10 and 12 are rejected for the same reason.

Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claims 7-10 recite both an apparatus and method claim, which is indefinite under 35. USC. 112 2nd, In *EX Parte Lyell* 17 USPQ2d 1548 (Bd>PA&I 1990).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Harmon (US 5,363,402) referred to as Harmon'402 herein after.

Regarding claim 1, Harmon'402 teaches a high frequency radio transceiver A able to communicate on at least a first high frequency and a second high frequency, wherein said first high frequency is dedicated to a first telecommunication net B and said second high frequency is dedicated to a second telecommunication net C or D (fig. 1, col. 3, lines 52-68 and col. 5, lines 39-55).

Regarding claim 11, Harmon'402 teaches an arrangement of high frequency transceivers comprising a plurality of individual nets (A, B, C, D in figure 1), each of said nets containing a plurality of high frequency transceivers enabled to communicate at a plurality of pre-selected high frequency channels dedicated to that net, wherein at least one of said transceivers is able to communicate with transceivers on different nets (col. 3, lines 52-68 and col. 4, lines 39-55).

Regarding claim 12, Harmon'402 also teaches including a bidirectional feature for assessing quality of links between said transceivers on said plurality of dedicated pre-selected high frequency channels on said different nets (see ALE, LQA in col. 1, line 61 through col. 2, line 15, col. 4, lines 15-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harmon'402 in view of Harmon et al. (US 4,328,581) referred to as Harmon'581 hereinafter.

Regarding claim 2, Harmon'402 fails to teach being able to scan pre-selected channels of a plurality of nets and having a unique self address in each net. Harmon'581 teaches teach being able to scan pre-selected channels of a plurality of nets and having a unique self address in each net (col. 3, lines 10-66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Harmon'581 with Harmon'402 as required in a point-to-point high frequency communication system.

Regarding claim 3, Harmon'402 also teaches that said plurality of nets includes between 2 and 20 nets (see fig. 1 of Harmon'402).

Regarding claim 4, Harmon'402 inherently teaches that said high frequencies are within a frequency range of from about 2 MHz to about 30 MHz (HF communication, abstract of Harmon'402).

Claims 5-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harmon'402 in view of Fitzgerald et al. (US 5,640,442).

Regarding claims 5-6, Harmon'402 fails to teach comprising a multi-net task manager for coordinating scanning and sounding on each of said nets, wherein the multi-net task manager assesses quality of links using a bidirectional function applied to all available channels of all nets. In other words, Harmon'402 fails to teach centralized controlling of the channels. In the same art, Fitzgerald teaches centralized controlling of the channels (col. 3, lines 20-25, col. 4, lines 20-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Fitzgerald with Harmon'402 in order to ensure that communication are established among the devices.

Regarding claim 7, Harmon'402 inherently teaches putting said high frequency radio transceiver into multi-net scanning mode; scanning channels of first net; scanning channels of second net; scanning channels of other nets that said transceiver is compatible with in turn (see B, C, D networks and scanning in col. 5, lines 46-60).

Regarding claim 8, Harmon'402 also teaches that only nets assigned to multi-net operation are scanned (col. 5, lines 46-50).

Regarding claim 10, Harmon'402 fails to explicitly teach that scanning operation on each net is performed in accordance with directives of MIL-STD188-141B standard. It is taken official notice that the MIL-STD188-141B standard existed in the HF communication system is conventionally well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the MIL-STD188-141B standard in the system of Harmon'402 in order to provide this type of communication to varieties of organizations.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harmon'402 in view of Fitzgerald et al. (US 5,640,442) as applied to claim 8 above and further in view of Harmon'581.

Regarding claim 9, Harmon'402 fails to teach that said transceiver listens to an appropriate channel and hears a call signal having an address, and said call signal will only be answered when said address matches a self address of said transceiver. Harmon'581 teaches that the transceiver listens to an appropriate channel and hears a call signal having an address, and said call signal will only be answered when said address matches a self address of said transceiver (col. 3, lines 10-66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to


Art Unit: 2618

combine Harmon'581 with Harmon'402 as required in a point-to-point high frequency communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is 571-272-7854. The examiner can normally be reached on FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDERSON D. MATTHEW can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


LEE NGUYEN
PRIMARY EXAMINER